

NOT FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

JUN 05 2008

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

TSAGHIK MKRTCHYAN,

Petitioner,

v.

**MICHAEL B. MUKASEY, Attorney
General,**

Respondent.

No. 04-75398

Agency No. A75-662-994

MEMORANDUM*

On Petition for Review of an Order of the
Board of Immigration Appeals

Argued and Submitted February 8, 2008
Pasadena, California

Before: **KOZINSKI**, Chief Judge, **O'SCANLAIN** and **W. FLETCHER**,
Circuit Judges.

The record supports the IJ's adverse credibility finding, as petitioner's testimony was implausible. See Don v. Gonzales, 476 F.3d 738, 743 (9th Cir. 2007). She couldn't explain (1) how a soldier escaped after witnessing a general

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

shooting another soldier, or (2) why she didn't report government corruption to an opposition political party instead of the ruling government that had allegedly detained and beaten her. Substantial evidence thus supports the finding that petitioner isn't eligible for asylum, 8 U.S.C. § 1252(b)(4)(B), so she is also necessarily ineligible for withholding of removal, see Farah v. Ashcroft, 348 F.3d 1153, 1156 (9th Cir. 2003). Petitioner's claim for relief under the Convention Against Torture fails because a reasonable adjudicator would not be compelled to find that it's more likely than not that she would be tortured if removed. See 8 C.F.R. § 1208.16(c)(2).

PETITION DENIED.